

REMARKS

Claims 1, 4-14, 16-26 are pending. Claims 4-14 and 16 are withdrawn. Claims 1, 17, 19 and 23 are rejected. Claim 1 is amended.

CLAIM OBJECTIONS

Claim 1 is objected to. Applicants have amended claim 1 to delete "independently" to address the objection.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 17, 19, and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Fung U.S. Patent No. 5,672,332.

The Examiner states that Fung "teaches of the compounds below where ...R³ is C₁₋₁₀ aryl, C₁₋₁₀ alkoxyalkyl;...".

Applicants have amended claim 1 to delete C1-C10 aryl and C1-C10 polyalkoxyalkyl from Y1. Thus, Applicants believe the rejection is overcome and respectfully request its withdrawal.

Claims 1, 17, 19, and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Rajagopalan U.S. Patent No. 5,672,333.

The Examiner states that Rajagopalan "...teaches of the compounds below where...R³ is C₁₋₁₀ aryl, C₁₋₁₀ alkoxyalkyl;..."

Applicants have amended claim 1 to delete C1-C10 aryl and C1-C10 polyalkoxyalkyl from Y1. Thus, Applicants believe the rejection is overcome and respectfully request its withdrawal.

Claims 1, 17, 19, and 23 are rejected under 35 U.S.C. §102(b) as anticipated by Rajagopalan U.S. Patent No. 5,709,845.

The Examiner states that Rajagopalan "...teaches of the compounds below [omitted] where...R³ is C₁₋₁₀ aryl, C₁₋₁₀ alkoxyalkyl;..."

Applicants have amended claim 1 to delete C1-C10 aryl and C1-C10 polyalkoxyalkyl from Y1. Thus, Applicants believe the rejection is overcome and respectfully request its withdrawal.

CLAIM REJECTIONS 35 U.S.C. §103

Claims 1, 17, 19 and 23 are rejected under 35 U.S.C. §103(a) as obvious over Licha.

The Examiner states that Licha "teaches of the compounds of formula II (below) which are prepared via intermediates, such as that of formula I (2,3,3-trimethyl-4,5-benzo-3H-indolene (below) (Figure 1, column 11, lines 20-30)." The Examiner finds that, to generate the composition of Licha's formula II, the intermediate formula would be obvious to contain the same R⁵ substituent, i.e., aminoalkyl, polyalkoxyalkyl, in place of the C₁₋₄ sulfoalkyl chain to generate the composition of formula II.

Applicants have amended claim 1 to delete C1-C10 aminoalkyl and C1-C10 polyalkoxyalkyl from Y1. Thus, Applicants believe the rejection is overcome and respectfully request its withdrawal.

Claims 1, 17, 19 and 23 are rejected under 35 U.S.C. §103(a) as obvious over Achilefu U.S. Patent No. 6,180,085.

The Examiner states that Achilefu "discloses compositions of formula 1 (below) [omitted] which are prepared via intermediates, such as that of formula 2 where R_1 and R_2 may be hydrogen (2,3,3-trimethyl-4,5-benzo-3H-indolene (below) [omitted] (Figure 1, sheet 1; column 2, lines 45-54)." The Examiner finds that, to generate Achilefu's formula 1, the intermediate formula 2 must be substituted with the same W1 and Y1, such as $-(CH_2)_f-N(R^{15})-CH_2-(CH_2-O-CH_2)_j-CH_2-CO_2H$ or $-(CH_2)_e-HN_2$, etc. in place of the $(A)_nR$ group (formula 2) in order to generate the final composition of formula 1, and that the intermediates encompass the compositions of the instant claims.

Applicants have amended claim 1 to delete C1-C10 aminoalkyl and $-(CH_2)_f-N(R_b)-CH_2-(CH_2-O-CH_2)_k-CH_2-CO_2T$ from Y1. Thus, Applicants believe the rejection is overcome and respectfully request its withdrawal.

CONCLUSION

Applicants believe the Application is in complete condition for allowance. Applicants respectfully request that the withdrawn method claims, which Applicants will amend to conform with amended composition claims, be rejoined with the composition claims.

The fee of \$120 for a one-month extension to respond is authorized to be charged to credit card. No other fees are believed due but, if deemed necessary, they may be charged to Deposit Account No. 20-0809. The Examiner is invited to contact Applicants' representative with questions.

Respectfully submitted,
THOMPSON HINE, L.L.P.
/Beverly A. Lyman/
Beverly A. Lyman, Ph.D.
Reg. No. 41,961

312 Walnut Street
14th Floor
Cincinnati OH 45202
513 352 6596
513 241 4771 facsimile

657265